Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1 April 2014

Original: English

Third session
New York, 28 April-9 May 2014

Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group is of the firm belief that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that, by becoming parties to the Treaty, have given up the nuclear-weapon option, inter alia, to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

2. The Group of Non-Aligned States Parties to the Treaty stresses that the granting of such assurances by all five nuclear-weapon States parties to all non-nuclear-weapon States parties is a commitment, the fulfilment of which is necessary to strengthen the nuclear non-proliferation regime.

3. In this regard, the Group of Non-Aligned States Parties to the Treaty notes the unilateral statements by each of the nuclear-weapon States, in which they give very limited, conditional and insufficient "security assurances" against the use of nuclear weapons to non-nuclear-weapon States parties to the Treaty. In the view of the Group, such unilateral statements fail to meet any of the requirements of universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

4. The Group of Non-Aligned States Parties to the Treaty believes that negative security assurances to the non-nuclear-weapon States parties to the Treaty would fulfil the undertaking to the States that have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The Group further believes that legally binding negative security assurances within the context of the Treaty would provide an essential benefit to the States parties to the Treaty and to the credibility of the Treaty regime.

14-28494 (E) 090414

Please recycle

5. The Group of Non-Aligned States Parties to the Treaty recalls that, at successive conferences of Heads of State or Government of the Movement of the Non-Aligned Countries and ministerial conferences of the Movement, it has been reiterated that improvements in existing nuclear weapons and the development of new types of nuclear weapons, as envisaged in the Nuclear Posture Review of the United States of America, contravene even the mere and still conditional, very limited and insufficient unilateral statements made by each of the nuclear-weapon States. It has further been reaffirmed that these improvements and the development of new types of such weapons violate the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

6. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

7. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. While recalling the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons, the Group believes that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the threat or use of nuclear weapons, the nuclear-weapon States shall seriously refrain, in any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty.

8. The Group of Non-Aligned States Parties to the Treaty firmly believes that the mere possession or any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular, international humanitarian law.

9. In this regard, while deploring the strategic doctrines of the nuclear-weapon States and the strategic concept for the security of the members of the North Atlantic Treaty Organization, which are based on the use or threat of use of nuclear weapons, and maintain unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies, the Group of Non-Aligned States Parties to the Treaty strongly calls upon the nuclear-weapon States to exclude completely the use or threat of use of nuclear weapons from their military and security doctrines.

10. The Group of Non-Aligned States Parties to the Treaty is also of the view that, pending the conclusion of negotiations on universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons, all nuclear-weapon States shall fully respect their existing commitments with regard to negative security assurances and shall extend these

assurances, without any condition and discrimination, to all non-nuclear-weapon States parties to the Treaty.

11. The Group of Non-Aligned States Parties to the Treaty recalls that the 2010 Review Conference "reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear non-proliferation regime". The Group, therefore, calls on the 2015 Review Conference, in addition to nuclear disarmament being its highest priority, to fully address this legitimate right as a matter of priority.

12. Moreover, the Group of Non-Aligned States Parties to the Treaty expresses concern that, despite long-standing requests by non-nuclear-weapon States parties to the Treaty to receive legally binding negative security assurances, no tangible progress has been made in this regard. The Group therefore stresses that the negotiations on the provision of the effective, unconditional, non-discriminatory and irrevocable, universal, legally binding security assurances by all the nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances should be pursued as a matter of priority and without further delay.

13. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference, the Group of Non-Aligned States Parties to the Treaty calls for the establishment of a subsidiary body on security assurances for further work to consider legally binding, unconditional, irrevocable and non-discriminatory negative security assurances by the five nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty.

14. The Group of Non-Aligned States Parties to the Treaty expresses concern over the lack of agreement on a number of its key priorities, including, inter alia, the early commencement of negotiations on the provision of effective, unconditional, non-discriminatory and irrevocable, universal, legally binding security assurances by all the nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, and expresses its determination to continue its collective efforts in pursuing the realization of the aforementioned priority in the 2015 review process of the Treaty.